



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/560,837 | 12/15/2005 | Thierry D'Athis | 4590-471 | 3748 |

33308 7590 10/30/2007
LOWE HAUPTMAN & BERNER, LLP
1700 DIAGONAL ROAD, SUITE 300
ALEXANDRIA, VA 22314

| |
|----------|
| EXAMINER |
|----------|

NGUYEN, THAN VINH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2187

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,837

Applicant(s)

D'ATHIS, THIERRY

Examiner

Than Nguyen

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/15/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2187

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 6/17/2003. It is noted, however, that applicant has not filed a certified copy of the 0307290 application as required by 35 U.S.C. 119(b). The submitted priority paper, filed 12/15/05, is incomplete as it only contains 1 page of the foreign application. The complete foreign application and its PCT counterpart must be filed.

2. Claims 18-34 are pending.

Information Disclosure Statement

3. The information disclosure statement filed 12/15/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Applicant failed to provide copies of the foreign patent documents.

Claim Objections

4. Claims 18,26,34 are objected to because of the following informalities: each claimed limitation should be separated with a semicolon (;), not a comma. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2187

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As to claim 18, the following claim language is vague and indefinite: "and the number of memory spaces allocated exceeding the total number of records in the file". The above claim language is not a step to be taken. Clarification is required.

8. Claims 19-25 are also rejected for incorporating the error of claim 18.

9. Claims 25 and 33 recite the limitation "the new descriptor (ITS2)" and "the first (ITS1)" in line 2. There is insufficient antecedent basis for these limitations in the claim.

10. As to claim 26, the following claim language is vague and indefinite "reading the free allocated memory spaces are deduced from this". It is unclear as what is being claimed.

Clarification is required.

11. Claims 27-33 are also rejected for incorporating the error of claim 26.

12. As to claim 34, Applicant claims a method of allocating memory spaces. However, none of the cited steps result in the actual allocation of memory spaces. The cited steps only select/choose records and memory spaces. No actual allocation of memory spaces is performed. Thus, the claim is vague and indefinite.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2187

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 18-20,22-28,30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujio (US 6,189,081).

As to claim 18,26,34:

15. Fujio teaches a method of writing a file in a memory medium, the file including a determined number of data records with each record having a determined size, comprising the steps of: determining a number of memory spaces of the memory medium being allocated to write the data of the file records (allocate space for files; 5/60-65); determining a position of each memory space, and the number of memory spaces allocated exceeding the total number of records in the file (allocate space for files, space available greater than requested; 5/60-65); writing the data of each file record in a memory space taken from the allocated memory spaces (write to allocated space; 8/31-40); writing a descriptor of the file in the memory medium, the file descriptor referencing memory spaces taken from the allocated memory spaces to enable the allocated memory space in which the data of each file record is written to be determined (write/update management information table (FAT); 8/41-46; 7/13-17, 44-48; 5/60-65).

As to claim 19,27:

16. Fujio teaches the records of a file, for which a group of memory spaces is allocated, all have the same size (8/54-60).

As to claim 20,28:

Art Unit: 2187

17. Fujio teaches the descriptor is encoded by a number representing an arrangement index in a predetermined table, said table containing all the possible arrangements of the records of the file in the allocated memory spaces (each FAT entry has sequence number 61; 3/9-12, 50-65).

As to claim 22,30:

18. Fujio teaches a sequence number is stored, associated with each descriptor (each file has specific entry number in FAT; 3/10-12, 50-65).

As to claim 23,31:

19. Fujio teaches the sequence number is encoded on two bits (multiple bit file entry number; 3/10-12, 50-65).

As to claim 24,32:

20. Fujio teaches the free memory spaces are not referenced to minimize the size of the file descriptor (FAT only has entries for allocated memory; 3/10-12,50-65).

As to claim 25,33:

21. Fujio teaches the new descriptor (ITS2) is copied to the first (ITS1) to perform a ratification (overwrite FAT entry with new entry; 7/45-50; 8/41-48).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2187

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujio (US 6,189,081) in view of Tate et al (US 5,991,774).

As to claim 21,29:

24. Fujio does not teach a seal is stored, associated with the data of each descriptor, the seal being an increasing function of the number of zero bits in the descriptor. It is common to store error-correcting code, such as CRC, with the file to ensure the file is error free. Tate teaches storing error-correcting code with the file to ensure that the file is error free(2/1-33; 3/2-55). It would have been obvious to one of ordinary skills in the art to use the teachings of Tate et al, in the invention of Fujio, to store error correcting codes with the file, so ensure an error-free file.

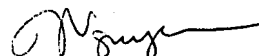
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2187

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Than Nguyen
Primary Examiner
Art Unit 2187